



**GEORGES
RIVER
COUNCIL**

**DRAFT CODE OF
MEETING PRACTICE**

POLICY ADMINISTRATION

Dates	Policy approved XXXX Policy is due for review XX / 2018
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Breaches of Policy	Breaches of any policy will be dealt with and responded to in accordance with adopted codes and/or relevant legislation.
Record Keeping	All documents and information obtained in relation to the implementation of this policy will be kept in accordance with the NSW State Records Act 1998, Georges River Council's Corporate Records Policy and adopted internal procedures.

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1 PRELIMINARY

1.1 Purpose of this policy

The purpose of this policy is to ensure Council meetings are effectively run.

1.2 Scope

This policy applies to all Meetings of Council.

1.3 Definition of Terms

Term	Meaning
<i>Councillor</i>	Refers to all Councillors of Georges River Council including the Mayor and Deputy Mayor.
<i>amendment</i>	In relation to an original motion, means a motion moving an amendment to that motion.
<i>chairperson</i>	(a) in relation to a meeting of the Council - means the person presiding at the meeting as provided by clause 3.1 of this Code; and (b) in relation to a meeting of a committee - means the person presiding at the meeting as provided by clause 5.7 of this Code.
<i>the Act</i>	The Local Government Act 1993. (as amended). In the event of any inconsistency between the Code and the Act or the Regulation, the Act or the Regulation (as the case may be) prevails to the extent of the inconsistency.
<i>the Regulation</i>	The Local Government (General) Regulation 2005.
<i>the Code</i>	The Georges River Council Code of Meeting Practice.
<i>committee</i>	Refers to a committee appointed or elected by the Council in accordance with clause 5.2 or the Council when it has resolved itself into a committee of the whole.
<i>leave of Council</i>	Means with the approval of Council.
<i>record</i>	Refers to a document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or

	received in the course of official duties by a Councillor or an employee of the Council and, in particular, includes the minutes of meetings of the Council or of a committee of the Council.
<i>Misbehaviour of a Councillor</i>	<p>Means any of the following:</p> <p>(a) a contravention by the Councillor of the Local Government Act or the regulations.</p> <p>(b) a failure by the Councillor to comply with an applicable requirement of a code of conduct as required under section 440 (5), of the Local Government Act.</p> <p>(c) an act of disorder committed by the Councillor at a meeting of the council or a committee of the council, but does not include a contravention of the disclosure requirements of Part 2 of Chapter 14 of the Local Government Act.</p> <p>Note: A contravention of the disclosure requirements of Part 2 of Chapter 14 is dealt with under other provisions of the Act.</p> <p>A reference in this Code to misbehaviour or an incident of misbehaviour includes a reference to misbehaviour that consists of an omission or failure to do something.</p>
<i>Accompanying Person</i>	A person who has a close personal relationship with the Councillor and/or provides carer support to the Councillor.

1.4 Webcasting

Council Meetings held within the Council Chambers at the Georges River Council Civic Centre, will be webcast live.

Confidential sessions of Council meetings which are closed to the public in accordance with section 10A of the Local Government Act (1993) will not be broadcast.

Council will maintain an online library on Council's website of webcast meetings as a history of the operation of the Council, for a period of six months. These will be viewable via Council's website.

Council accepts no responsibility for any defamatory or offensive statements transmitted in the course of webcasting its meetings.

A fault in the technology or an inability to webcast a meeting will not invalidate decisions from the meeting.

2 CONVENING OF, AND ATTENDANCE AT, COUNCIL MEETINGS

2.1 Frequency of meetings of the Council

The Council is required to meet at least 10 times each year, each time in a different month. (S365)

The Council shall, by resolution, set the time, date and place of meetings of the Council.

Note: *The Council normally meets on the first Monday of the month, with meetings customarily commencing at 6:00pm*

2.2 Extraordinary Meetings

- (1) The Mayor may call extraordinary meetings of the Council.
- (2) (a) If the Mayor receives a request in writing signed by at least 2 councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable but in an event within fourteen (14) days after the receipt of the request.
(b) If the mayor proposes to call an Extraordinary Meeting, all Councillors must be consulted by letter, facsimile, or electronic mail and given a minimum of eight hours in which to respond prior to the Mayor setting a time for the proposed meeting. The notice to Councillors must include the proposed time and date of the Meeting, the business to be transacted and the reason why the business cannot be dealt with at the next ordinary Meeting of the Council.
- (3) If the Mayor fails, within one day of receipt of a request pursuant to subclause (2), to give a direction to the General Manager for the sending of notices to councillors for an extraordinary meeting to be held within the period specified in subclause (2), the General Manager must send a notice to each councillor specifying that the meeting be held on the last working day that would fall within the period specified in subclause (2).
- (4) For the purpose of subclauses (2) and (3), a working day is a day that is not a Saturday, Sunday or public holiday.

Note: *Extraordinary Council Meetings may be called by the Administrator as required.*

2.3 Notice of meetings

- (1) The General Manager of a Council must send to each Councillor, at least 3 “clear” * days before each meeting of the Council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting. (S367 [1])
- (2) The notice of meeting will be provided electronically to Councillors, who will have been provided the facilities to access the notice, agenda and business papers (S367[3]).
- (3) Notice of less than 3 “clear” days’ may be given of an extraordinary meeting called in an emergency, but in no case shall notice of less than one day be given (S367 [2]).
- (4) For the purpose of this Clause, 3 days’ notice before a meeting of the Council includes a Saturday, Sunday and/or a Public Holiday.

*** Note:** *Notice under this section must be provided at least 3 “clear” days prior to the meeting, not including the date of notification or the date of the meeting. This is as provided as defined in Cl 36(1) of The Interpretation Act 1987.*

2.4 Quorum (S368)

The quorum for a meeting of the Council is the Administrator when an Administrator is in place, otherwise a majority of the Councillors of the Council who hold office for the time being and are not suspended from office.

2.5 What happens when a quorum is not present - (cl 233 Regs)

- (1) A meeting of the Council must be adjourned if a quorum is not present:
 - (a) within half an hour after the time designated for the holding of the meeting; or
 - (b) at any time during the meeting.
- (2) In either case, the meeting must be adjourned to a time, date and place fixed:
 - (a) by the chairperson; or
 - (b) in his or her absence by the majority of the Councillors present; or
 - (c) failing that, by the General Manager.
- (3) The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.

2.6 Presence at Council meetings (includes Leave of Absence)

A Councillor cannot participate in a meeting of the Council unless personally present at the meeting. (cl 235 Regs)

3. PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS

3.1 Chairperson of Council meetings

- (1) The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor shall preside at meetings of the Council.
- (2) If the Mayor and the Deputy Mayor are absent, a Councillor shall be elected to chair the meeting by the Councillors present and following such election shall preside at the meeting of the Council.

Note: (S369)

- (3) If no chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- (4) The election must be conducted:
 - a. by the General Manager or, in his or her absence, an employee of the Council designated by the General Manager to conduct the election; or
 - b. if neither of them is present at the meeting or there is no General Manager or designated employee by the person who called the meeting or a person acting on his or her behalf.
- (5) If, at an election of a chairperson, 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- (6) For the purposes of subclause (3), the person conducting the election must:
 - a. arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - b. then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- (7) The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

Note: (cl 236 Regs)

3.2 Chairperson to have precedence

When the chairperson rises or speaks during a meeting of the Council:

- (a) any Councillor then speaking or seeking to speak must immediately resume his or her seat, if standing; and
- (b) every Councillor present must be silent to enable the chairperson to be heard without interruption.

Note: (cl 237 Regs)

3.3 Chairperson's duty with respect to motions

- (1) It is the duty of the chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.

- (2) The chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.
- (3) Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.

Note: (cl 238 Regs)

3.4 Keeping and Confirmation of Minutes

- (1) The Council must ensure that full and accurate minutes are kept of proceedings of the Council.
- (2) The General Manager must ensure that the following matters are recorded in the Council's minutes:
 - a. details of each motion moved at a Council meeting and of any amendments moved to it,
 - b. the names of the mover and seconder of the motion or amendment,
 - c. whether the motion or amendment is passed or lost.
 - d. the record of votes for and against matters relating to Planning (S375A).

Note: *Section 375 (1) of the Act requires a Council to ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council [other provisions of this Regulation and of the Act require particular matters to be recorded in a Council's minutes].*

- (3) The accuracy of the minutes of every preceding meeting, including extraordinary meetings, not previously confirmed must be dealt with at the next meeting of the Council, in order that such minutes may be confirmed.
- (4) A motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.
- (5) Minutes may be confirmed at an extraordinary meeting of the Council.
- (6) The minutes must, when they have been confirmed at a subsequent meeting of the Council, be signed by the person presiding at that subsequent meeting.

3.5 Order of business

- (1) At a meeting of the Council (other than an extraordinary meeting), the general order of business shall be in accordance with Schedule 1 of this Code.
- (2) Matters of Privilege referred to in Schedule 1 Item 8 are to be confined to condolences, congratulations, presentations and matters ruled by the chairperson to be of extreme urgency and a maximum time limit of five (5) minutes is imposed on any issue raised as a matter of privilege.
- (3) The order of business fixed under subclause (1) may be altered if a motion to Suspend Standing Orders (order of business) to that effect is carried, following which, Standing Orders (order of business) shall be resumed.
- (4) Notwithstanding Clause 3.19, only the mover of a motion referred to in subclause (3) may speak to the motion before it is put.

- (5) Council Meeting Reports referred to in item 11 of Schedule 1 may relate to any matters needing the Council's consideration, which have not had an opportunity to be considered through a Committee process. The General Manager or Acting General Manager has the sole discretion for referring reports through this process. In addition, reports requiring consideration in Closed Session (Committee of the Whole) will be referred to under this item.

3.6 Agenda and Business papers for Council meetings

- (1) The General Manager must ensure that the agenda for a meeting of the Council states:
- all matters to be dealt with arising out of the proceedings of former meetings of the Council, and
 - if the mayor is the chairperson - any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - subject to subclause (2), any business of which due notice has been given.

The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.

- (2) The General Manager must cause the agenda for a meeting of the Council or a committee of the Council to be prepared as soon as practicable before the meeting.
- (3) The General Manager must ensure that the details of any item of business to which section 9 (2A) of the Act applies are included in a business paper for the meeting concerned.
- (4) Nothing in this clause limits the powers of the chairperson under clause 3.9.

Note: (cl 240 Regs)

3.7 Giving notice of business

- (1) The Council must not transact business at a (Monday) meeting of the Council:
- unless a Councillor has given notice of the business in writing or electronic mail by noon of the Wednesday immediately preceding the meeting; and
 - unless notice of business has been sent to the Councillors at least 3 days before the meeting, or, in the event of an extraordinary meeting called in an emergency, at least one day.

Note: *Notice under this section must be provided at least 3 "clear" days prior to the meeting, not including the date of notification or the date of the meeting. This is as provided in Cl 2.3 of Council's Code of Meeting Practice and as defined in Cl 36(1) of The Interpretation Act 1987.*

- in the case of a motion to censure a Councillor, despite paragraphs (a) & (b), unless written notice of that motion has been given to the affected Councillor not less than 7 days prior to the noon of the Wednesday immediately preceding the (Monday) meeting at which the proposed motion is to be put.

- (2) Sub-clause (1) does not apply to:
- a. business which is already before, or directly relates to a matter that is already before, the Council;
 - b. the election of a chairperson to preside at the meeting as provided by Clause 3;
 - c. a matter or topic put to the meeting by the Chairperson in accordance with Clause 3.9;
 - d. is a motion for the adoption of recommendations of committees of the Council;
 - e. reports from officers which in the opinion of the chairperson or the General Manager are urgent; and
 - f. reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the committee.
- (3) Despite sub-clause (1), business may be transacted at a meeting of the Council when due notice of the business has not been given to Councillors, but only if:
- a. a motion is passed to have the business transacted at the meeting (Such a motion can be moved without notice); and
 - b. the business proposed to be brought forward is ruled by the chairperson to be of great urgency; and
 - c. in regard to consideration of a development application all Councillors (disregarding any casual vacancies) vote in favour of the business being transacted.
- (4) Despite clause 3.19, only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.
- (5) Where, in addition to a Notice of Business provided by a Councillor as detailed in Clause 3.7 (1) or 3.7 (3), the General Manager considers a Notice of Business has legal, strategic, financial or policy implications which need to be taken into account, the General Manager may put forward a recommendation with a Notice of Business that the matter be deferred pending a report from officers. If in the opinion of the General Manager a report needs to be presented to Council to assist Councillors with consideration of the notice of motion, and if time permits, the General Manager may include a report in the business paper.

Note: (cl 241 Regs)

3.8 Business paper for extraordinary meeting

- (1) The General Manager must ensure that the business paper for an extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.
- (2) Despite subclause (1), business may be transacted at an extraordinary meeting of the council even though due notice of the business has not been given to the Councillors if:
- a. a motion is passed to have the business transacted at the meeting; and
 - b. the business proposed to be brought forward is ruled by the chairperson to be of great urgency. Such a motion can be moved without notice.
 - c. Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.

- (3) Despite clause 3.19, only the mover of a motion referred to in subclause (2) can speak to the motion before it is put.

Note: (cl 242 Regs)

3.9 Official minutes (Mayoral Minute)

- (1) If the Mayor (or the Deputy Mayor, if acting for the Mayor) is the chairperson at a meeting of a Council, the chairperson is, by minute signed by the chairperson, entitled to put to the meeting any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.
- (2) Such a minute, when put to the meeting, takes precedence over all business on the Council's business paper for the meeting. The chairperson (but only if the chairperson is the Mayor, or the Deputy Mayor, if acting for the Mayor) may move the adoption of the minute without the motion being seconded.
- (3) A recommendation made in a minute of the chairperson (being the Mayor, or Deputy Mayor, if acting for the Mayor) or in a report made by a Council employee is, so far as adopted by the Council, a resolution of the Council.

Note: (cl 243 Regs)

- (4) The Mayor shall make every effort to make available a Mayoral Minute as early as possible prior to a meeting at which it is to be considered.

3.10 Report of a Departmental Representative to be tabled at Council meeting

When a report of a Departmental Representative has been presented to a meeting of a Council in accordance with section 433 of the Act, the Council must ensure that the report:

- (a) is laid on the table at that meeting; and
- (b) is subsequently available for the information of Councillors and members of the public at all reasonable times.

Note: (cl 244 Regs)

3.11 Notice of motion – absence of mover

- (1) In the absence of a Councillor who has placed a notice of motion (cl 245 Regs) on the business paper for a meeting of the Council:
 - a. any other Councillor may move the motion at the meeting; or
 - b. the chairperson may defer the motion until the next meeting of the Council at which the motion can be considered.
- (2) Notices of Motion are to be submitted to be received by the General Manager by noon, on the Wednesday prior to the (Monday) Council meeting.
- (3) The General Manager (or relevant council officer) may add comments to the Notice of Motion to provide additional information or to clarify factual matters. Updated versions of items amended after initial publication of the business paper are to be provided to the public gallery.

Note: Under clause 240 (2) of the Local Government (General) Regulations, the General

Manager still has the right to exclude a Notice of Motion, if in the opinion of the General Manager, the business is or the implementation of the business would be unlawful.

3.12 Motions to be seconded

- (1) A motion or an amendment cannot be debated unless or until it has been seconded. However, the mover of a motion may be allowed by the chairperson to speak to the motion before calling for the motion to be seconded. This clause is subject to clauses 11 (2) and 21 (5).
- (2) The seconder of a motion or of an amendment may reserve the right to speak later in the debate.

3.13 How subsequent amendments may be moved

If an amendment has been accepted or rejected, a further amendment can be moved to the motion in its original or amended form (as the case may be), and so on, but no more than one motion and one proposed amendment can be before the Council at any one time. (cl 247 Regs).

It is permissible to debate the motion and an amendment concurrently.

It is permissible during the debate on an amendment for a further amendment to be foreshadowed. However, any such foreshadowed amendment shall not be moved and debated until the amendment is dealt with.

3.14 Motions of Dissent

A Councillor can, without notice, move to dissent from the ruling of the chairperson on a point of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.

In the event of a motion of dissent being moved, the chairperson may remain in the chair during consideration of such motion by the Council and, if necessary, exercise his/her casting vote in accordance with Clause 3.21 (3) of this Code.

If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the chairperson must restore the motion or business to the business paper and proceed with it in due course.

Despite clause 3.19, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Note: (cl 248 Regs)

3.15 Petitions may be presented to the Council

A Councillor may present a petition to the Council.

The Chairperson must not permit discussion on the petition, unless it relates to an item on the business paper. Petitions shall be referred to the General Manager for referral to an appropriate officer for report, or reply after appropriate action.

3.16 Questions may be put to Councillors and Council employees

A Councillor:

- (a) may, through the chairperson, put a question to another Councillor; and
- (b) may, through the chairperson and the General Manager, put a question to a Council employee.

However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.

Any such question shall be in writing and must be put directly, succinctly, and without argument.

The chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this clause.

Note: (cl 249 Regs)

Nothing in this clause affects questions being asked, with the leave of the chairperson, relevant to any matter under discussion at a meeting.

3.17 Questions With Notice (QWN)

- (1) Questions With Notice are to be submitted electronically and to be received by the Executive Services Officer by 12:00 noon, seven (7) days prior to the Council meeting. Updated versions of items amended after initial publication of the business paper are to be provided to the public gallery at the meeting and are available electronically to Councillors and to the public on-line
- (2) The relevant council officer will endeavour to provide a written response within the business paper at the time of publication, if time permits, or up to the evening prior to the Council meeting. If an answer cannot be provided in this manner or at the Council meeting the QWN would be taken on notice for a report to a subsequent meeting.

Note: *These questions are not subject to public address*

- (3) Councillors should forward by email issues of operational concern raised by constituents to the General Manager, or the relevant authorised contact officer to enable matters to be dealt with at the earliest opportunity rather than submitting them as Questions With Notice.
- (4) Questions With Notice should be restricted to matters of Council Business (Policy). Other issues should be addressed through other forums. Matters of concern or disciplinary matters regarding Councillors or staff actions / behaviours will not be dealt with under Questions With Notice but rather through the General Manager in accordance with the Council's Code of Conduct.
- (5) Where Questions *without* Notice are raised at a Council Meeting and are "taken on notice", the question and its response are to be referred to the next Council meeting in the form of a report.

Note: *Questions With Notice was implemented in accordance with Cl 241 of the Local Government (General) Regulations 2005, OLG Meeting Practice Note 16 (2009) and OLG Circular to Councils 10-10*

3.18 Mode of address

Councillors shall at all times address other Councillors by their official designation, as Mayor or Councillor, as the case may be; and with the exception of the chairperson, or any Councillor prevented by physical infirmity, shall stand when speaking.

3.19 Limitation as to number of speeches

- (1) A Councillor who, during a debate at a meeting of the Council, moves an original motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
- (2) A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- (3) A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment and for longer than 5 minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- (4) Despite sub-clauses (1) and (2), if the mover of a motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it or if at least 2 Councillors have spoken in favour of a motion or an amendment and at least 2 Councillors have spoken against the motion or amendment (whichever is to be put), any Councillor may move that the question be now put.
- (5) The chairperson must immediately put to the vote a motion under sub-clause (4) without the motion being seconded and without debate
- (6) If a motion that the question be now put is passed, the chairperson must, after the mover of the motion has exercised his or her right of reply under sub-clause (1), immediately put the question to the vote without further discussion.
- (7) If a motion that the question be now put is rejected, the chairperson must resume the debate on the original motion or amendment.

Note: (cl 250 Regs)

3.20 Motions put without debate

Provided there is no objection from any Councillor present, any motion or recommendation before the Council may be put to the vote without discussion or debate.

3.21 Voting at Council meetings

- (1) Each Councillor is entitled to one vote. (S370)
- (2) Voting at a Council meeting, including voting at an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the

Council may resolve that the voting in an election by Councillors for mayor or deputy mayor is to be by secret ballot.

- (3) The Chairperson has, in the event of an equality of votes, a second or casting vote (S370) and that vote shall be used at the absolute discretion of the Chairperson.
- (4) A Councillor who is present at a meeting of the Council but who fails to vote on a motion or an amendment put to the meeting is taken to have voted against the motion (S251[1]).

Note: *A failure to vote counting against a motion includes where a Councillor abstains from voting, whether formally selecting "abstain" through Council's electronic system or by stating they abstain. (OLG Meeting Practice Note 16 [2009])*

- (5) If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.
- (6) The decision of the chairperson as to the result of a vote is final, unless:
 - a. in the case where a vote has been declared on the voices, a Councillor immediately requests a show of hands; or
 - b. the decision is immediately challenged and not fewer than 2 Councillors rise and demand a division.
- (7) When a division on a motion is demanded, the chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the Council's minutes.

Note: *Any division will be recorded through the use of the electronic voting system installed in the Council Chambers. Should the electronic system be unavailable, the former custom of standing will be utilised.*

- (8) Where a tie in the voting occurs and the chairperson is entitled to a casting vote in accordance with Clause 3.21 (3) of this Code but declines to exercise such casting vote, the vote is lost and a new proposal should then be moved.
- (9) That Council when determining all planning, development, or related applications, Council will give relevant planning reasons for its decisions, if they depart from the recommendations of the staff, or from the Independent Hearing and Assessment Panel.
- (10) When Council is considering planning matters, that is all Development Application matters, and site specific Development Control Plans and Local Environmental Control Plans, the General Manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the Council's minutes (see also Clause 3.21 (4) above).

Note: *(cl 251 Regs)*

3.22 Decisions of the Council

A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council. (S371)

3.23 Rescinding or altering resolutions (S372)

- (1) A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with clause 3.24. A motion to rescind or alter a resolution of the Council shall not be considered at the same meeting at which the resolution was passed.
- (2) If it is proposed to move a further motion in the event that a rescission motion is carried, the required notice must also be given of the proposed further motion.
- (3) If a notice of motion to rescind or alter a resolution is given:
 - a. at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission or alteration has been dealt with; or
 - b. at any time after the meeting at which the resolution is carried, no further action to carry the resolution into effect may be taken after receipt of the notice of motion until the motion of rescission or alteration has been dealt with.
- (4) In the case of a motion of alteration, sub-clause (3) applies only to the extent that the resolution of Council would be affected by the motion of alteration, if it is carried.
- (5) If a motion has been negatived by the Council, a motion having the same effect must not be considered unless notice of it has duly been given in accordance with clauses 8, 9 and 10.
- (6) A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negatived by the Council, must be signed by at least 3 Councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negatived, as the case may be.
- (7) If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as a previously negatived motion, is negatived, no similar motion may be brought forward within 3 months. This sub-clause may not be evaded by substituting a motion differently worded, but in principle the same.
- (8) A motion to which this clause applies may be moved on the report of a committee of the Council and any such report must be recorded in the minutes.
- (9) The provisions of this clause concerning negatived motions do not apply to motions of adjournment.
- (10) Notwithstanding the provisions of sub-clause (1), Council may, by resolution, provided that the majority of Councillors present agree, re-commit a matter for further consideration at the same meeting at which the matter has been resolved, to avoid the necessity to rescind the resolution. However re-committal will not be allowed if the meeting lapses for want of a quorum or is adjourned to another day.

Note: *The purpose of sub-clause (10) is to permit the Council to re-visit a decision taken, where it is realised after the vote on the matter that because there may have been confusion or misunderstandings during debate, the decision may be inconsistent with the wishes of a majority of Councillors.*

3.24 Rescission Motion Format

The format of a Notice of Motion to rescind a Council resolution should be as provided in Schedule 3 to this Code. Three Councillors are required to sign a hard copy of the motion, or provide agreement to the motion electronically.

3.25 Motions of adjournment

Debate shall not be permitted on any motion for adjournment of a meeting of the Council.

If a motion for adjournment is negatived, the business of the meeting shall proceed, and it shall not be in order for any Councillor to again move a motion for adjournment within half an hour of the previous motion for adjournment being negatived.

A motion for adjournment may specify the time, date and place of the adjourned meeting; however, if a motion for adjournment is carried but does not specify the time, date and place of the adjourned meeting, the chairperson shall make a determination with respect to whichever of these has not been specified, in accordance with the regulation (cl 233 Regs)

3.26 Time Limit on Council Meetings

Council Meetings shall conclude by 10.45pm, however the Council may by majority decision extend the meeting to 11.00pm, at which time the business not completed may be dealt with at an adjourned meeting, as provided under clause 3.25 or at an extraordinary meeting of the Council.

4. KEEPING ORDER AT MEETINGS

4.1.1 Questions of order

The chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.

A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the Chairperson to address the matter.

The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.

The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Note: (cl 255 Regs)

4.2 Acts of disorder

- (1) A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a committee of the Council:
- (2) contravenes the Act, any regulation in force under the Act or this Code; or
- (3) assaults or threatens to assault another Councillor or person present at the meeting; or
- (4) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or committee, or addresses or attempts to address the Council or committee on such a motion, amendment or matter; or
- (5) insults or makes personal reflections on or imputes improper motives to any other

- Councillor; or member of Council's staff.
- (6) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or committee into contempt;
Note: (cl 256 Regs)
 - (7) reads at length from any correspondence, report or other document, without the leave of the Council.
 - (8) Insults or engages in verbal abuse of a member of the public gallery.
 - (9) The Chairperson may require a Councillor:
 - (a) to apologize without reservation for an act of disorder referred to in sub-clause (1) (a) or (b); or
 - (b) to withdraw a motion or an amendment referred to in sub-clause (1) (c) and, where appropriate, to apologize without reservation; or
 - (c) to retract and apologize for an act of disorder referred to in sub-clause (1) (d) or (e), or (g).
 - (d) to refrain from further reading and apologize for the act of disorder in sub-clause 1(f).
 - (10) The Council or committee of the Council may, by resolution, expel from a meeting a Councillor who fails to comply with a requirement made under sub-clause (2). The expulsion of a Councillor under this sub-clause does not prevent any other action from being taken against the Councillor for the act of disorder concerned.
 - (11) The provisions of the Code of Conduct adopted by Council or subsequent amendments made thereto that reflect on the Council's Code of Meeting Practice be endorsed.
 - (12) Any matter of concern about the actions / behaviour of a Councillor are to be addressed as outlined in the Code of Conduct, if warranted, and not be the subject of debate or discussion at a Council Meeting.

4.3 How disorder at a meeting may be dealt with

- (1) If after the issuing of two warnings to a Councillor in respect of acts of disorder, that Councillor refuses to apologize, or if the Mayor the Chairperson of a standing committee or Councillor presiding at a Council or standing committee meeting, deems any apology given not to be given in good faith, or frivolously or in repetition of similar previous acts of disorder, the Mayor the Chairperson of a standing committee or the Councillor presiding at a Council or standing committee meeting, may expel that Councillor from the meeting
- (2) The expulsion of a Councillor from a meeting for reasons outlined in Clause 4.2 (1) does not prevent any other action from being taken against the Councillor for the act of disorder concerned.
- (3) If after the issuing of two warnings to a member of the public engaged in or having been engaged in disorderly conduct, the person continues with such behavior, the Mayor, the Chairperson of a standing committee or Councillor presiding at a Council or standing committee meeting may expel the member of the public from the meeting.
- (4) The power to expel a Councillor or a member of public for an act of disorder from a Council meeting or a standing committee meeting is delegated under this policy to the person who, for the time being and from time to time occupies the position of Mayor or Chairperson if the Chairperson is a Councillor, not the Mayor.

4.4 Power to remove persons from meeting after expulsion resolution

If a meeting of the Council or committee of the Council resolves to expel a Councillor from the meeting, for failing to comply with a requirement made under clause 4.3, or a member of the public for disorderly conduct and the Councillor or member of the public fails to leave the meeting immediately after the resolution is passed, a police officer or any person authorised by the Council or committee for the purpose, may by using only such force as is necessary, remove the person from the meeting and, if necessary, restrain the person from re-entering the place where the meeting is being held.

Note: (cl 258 Regs)

4.4.1 Formal censure of councillor for misbehaviour

- (1) A Council may by resolution at a meeting, formally censure a Councillor for misbehavior.
- (2) A formal censure resolution may not be passed except by a motion to that effect, of which notice has been duly given in accordance with regulations made under section 360 of the Local Government Act and the Council's Code of Meeting Practice.
- (3) A Council may pass a formal censure resolution only if it satisfied that the Councillor has misbehaved on one or more occasions.
- (4) The Council must specify in the formal censure resolution, the grounds on which it is satisfied that the Councillor should be censured.
- (5) A motion for a formal censure resolution may, without limitation, be moved on the report of a committee of the Council and any such report must be recorded in the minutes of the meeting of the Council. In such case the provisions of clauses 4.4.2 (5) and 4.4.2 (6) apply.

4.4.2 Formal censure of Councillor for breach of a Council Code or Policy

- (1) If a Councillor proposes to move a motion that the Council censure a Councillor for a breach of a Council code or policy, or for actions taken by the Councillor, there must be compliance with the requirements of subclauses (2), (3) and (4) of clause 4.4.1.
- (2) A Councillor who proposes to move a motion to censure a Councillor must give to the General Manager written notice of the motion.
- (3) The General Manager must give to the Councillor or Councillors in respect of whom a notice of motion to censure has been given pursuant to subclause (2) a copy of that notice of motion not later than 24 hours after receiving same.

- (4) The Council must not consider any notice of motion to censure a Councillor unless there has been compliance with the provisions of clause 4.4.1 of this Code.
- (5) Prior to Council considering any notice of motion to censure, the affected Councillor may elect to have the matter dealt with at the next ordinary meeting of Council.
- (6) The affected Councillor may present any submission, orally or in writing, in opposition to the censure motion.

5. COUNCIL COMMITTEES

5.1 Committee of the Whole and Closed session

Note: see also CI 7.1

- (1) The Council may resolve itself into a Committee of the Whole to consider any matter before the Council.
- (2) All the provisions of this Code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of a Committee of the Whole, except the provisions:
 - a. limiting the number and duration of speeches; and (cl 259 [1] Regs)
 - b. requiring Councillors to stand when speaking.
- (3) If a Council resolves that a meeting, or a part of a meeting, is to be **closed to the public**, (See CI 7.1) the chairperson must make the recommendations of the closed session public, as soon as practicable after the meeting or part of the meeting has ended.
- (4) The General Manager is responsible for reporting to the Council, proceedings in a closed session. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.
- (5) The Council must ensure that a report of the proceedings is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.
- (6) Immediately after a Motion to close the meeting for a confidential session has been moved and seconded, but before that motion is put to the meeting, the Chairperson may invite any members of the public in attendance, to make representations as to whether a part of the meeting should **not** be closed to the public. If there are any representations indicated, sufficient time as is deemed necessary by the Chairperson, may be allowed for any representations to be made to the meeting. (Section10A4; Gen Reg CI 264).

5.2 Council may appoint committees and determine frequency of meetings

The Council may appoint or elect such committees as it considers necessary.

The Council may determine the dates and times of meetings of committees appointed or elected by Council and additional meetings of committees appointed or elected by Council may be convened by Council, the Mayor or in his/her absence the Deputy Mayor or the Chairperson of the committee concerned, subject to appropriate notice of the meeting of the committee being given in accordance with Clause 5.4 of this Code.

Note: *Advisory Committees meet at various times, the schedules of which are published online.*

The Members of a particular committee may agree to vary the time of commencement of that committee from time to time.

Such a committee is to consist of such number of Councillors of the Council, as the Council decides.

The quorum for a meeting of such a Committee shall be as determined by resolution of the Council from time to time. If the Council has not determined a quorum, then the quorum will be a majority of the members of the committee and, in the event of a quorum not being present, all committees shall have the power to co-opt other Councillors so as to provide a quorum. The co-opted Councillor(s) shall be regarded for the purpose of that particular meeting, as having the same rights and privileges as if they were appointed or elected members of the committee. Where no members of a committee are available, the Mayor, or in his/her absence the Deputy Mayor, shall have the authority to co-opt other Members of Council so as to provide a quorum any members so co-opted shall have the same rights and privileges as other members.

5.3 Functions of committees

The Council must specify the functions of each of its committees when the committee is appointed or elected, but may from time to time amend those functions.

Note: *(cl 261 Regs)*

5.4 Notice of committee meetings to be given

The General Manager of the Council must send to each Councillor, at least 3 “clear” days before each meeting of the committee, a notice specifying:

- (a) the time and place at which and the date on which the meeting is to be held; and
- (b) the business proposed to be transacted at the meeting.

However, notice of less than 3 days, may be given of a committee meeting called in an emergency by the Mayor, or in his/her absence the Deputy Mayor, or the Chairperson of the committee, but in no case shall notice of less than one day be given.

The manner of giving notice of a committee meeting may be undertaken in the same manner as giving notice of a Council Meeting, as referred to in Clause 2.3 of this Code.

The provisions of clause 3.7 (2), (3) and (4) apply to the business papers of committee meetings, in the same manner as they apply to the business papers of meetings of the Council.

Note: *(cl 262 Regs)*

Note: *Notice under this section must be provided at least 3 “clear” days prior to the meeting, not including the date of notification or the date of the meeting. This is as provided in Cl 2.3 of Council’s Code of Meeting Practice and as defined in Cl 36(1) of The Interpretation Act 1987.*

5.5 Non-members entitled to attend committee meetings

- (1) A Councillor who is not a member of a committee of a Council is entitled to attend, and to speak at, a meeting of the committee.
- (2) However, the Councillor is not entitled:
 - (a) to give notice of business for inclusion in the agenda for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting.

Note: *(cl 263 Regs)*

5.6 Procedure in committees

- (1) Each committee of the Council may regulate its own procedure.

Without limiting subclause (1), a committee of the Council may decide that, whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote.

Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).

Note: *(cl 265 Regs)*

5.7 Chairperson and deputy chairperson of committees

The chairperson of each committee of the Council, must be:

- (a) the Mayor; or
- (b) if the Mayor does not wish to be the chairperson of a committee, a member of the committee elected by the Council; or
- (c) if the Council does not elect such a member, a member of the committee elected by the committee

A Council may elect a member of a committee of the Council as deputy chairperson of the committee. If the Council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

If neither the chairperson nor the deputy chairperson of a committee of a Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

The chairperson is to preside at a meeting of a committee of a Council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Note: *Cl 267 Regs*

Note: *The Mayor is, by virtue of holding that office, a member of each committee of the Council.*

5.8 Absence from committee meetings

- a. A member (other than the Mayor) ceases to be a member of a committee if the member:
 - o has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences; or
 - o has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

Subclause (1) does not apply in respect of a committee that consists of all of the members of the Council.

Note: *CI 268 Regs*

5.9 Reports of committees

If in a report of a committee of the Council, distinct recommendations are made, the decision of the Council may be made separately on each recommendation.

The recommendations of a committee of the Council are, so far as adopted by the Council, resolutions of the Council.

Note: *CI 269 Regs*

5.10 Disorder in committee meetings

The provisions of the Act, the Regulation and this Code relating to the maintenance of order in Council meetings, apply to meetings of committees of the Council in the same way as they apply to meetings of the Council.

Note: *CI 270 Regs*

5.11 Committee may expel certain persons from its meetings

If a meeting or part of a meeting of a committee of the Council is closed to the public in accordance with clause 5.1, the committee may, by resolution, expel from the place where the meeting is being held, any person who is not a Councillor.

If any such person, after being notified of such a resolution, fails to leave the place where the meeting is being held, a police officer, or any person authorised by the Council for the purpose, may remove the person from and, if necessary, restrain the person from re-entering that place.

Note: *CI 271 Regs*

6. CONFLICT OF INTERESTS

6.1 Pecuniary interest

- (1) A conflict of interests can be of two types:
 - a. Pecuniary – An interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss, to the person or another person with whom the person is associated. (S442 and S443).
 - b. Non-Pecuniary – A private or personal interest the Council official has, that does not amount to a pecuniary interest as defined in the Act (for example; a friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).
- (2) A Councillor or a member of a Council Committee who has a pecuniary interest in any matter before the Council and who is present at a meeting where the matter is being considered, must identify the nature of the interest to the meeting as soon as practicable. Generally this would be when the Chairperson of the Meeting calls for “Disclosure of Interests“, at the start of the meeting.
- (3) A general notice of disclosure made pursuant to section 454 of the Act, fulfils the requirement of sub-clause (2).
- (4) When a Councillor or Council Official declares a Pecuniary Interest, he / she must vacate the room and not take part in any discussion or consideration of the matter. The Councillor or member must not be present at, or in sight of, the meeting of the Council or committee:
 - (a) at any time during which the matter is being considered or discussed by the Council or committee, or
 - (b) at any time during which the Council or committee is voting on any question in relation to the matter.
- (5) This clause does not prevent a person from taking part in the consideration or discussion of, or from voting on, any question as provided for in clause 6.3.
- (6) A person who, at the request or with the consent of the Council or a Council committee, gives advice on any matter at any meeting of the Council committee must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given.
- (7) When a Councillor or Council Official declares a non-pecuniary interest he / she must determine the most appropriate course of action to deal with the conflict as specified in Council’s Code of Conduct. If the Councillor does not leave the meeting, the Councillor must vote on the matter otherwise it will be taken as the Councillor having voted against the motion.
- (8) Subclauses (2) and (3) do not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting, if:

- (a) the matter is a proposal relating to:
 1. the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or
 2. the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and
 - (b) the councillor made a special disclosure under Schedule 3A (Regs) in relation to the interest before the commencement of the meeting. Schedule 3A is reproduced at the end of this Policy document.
- (9) A person does not breach this clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.
- (10) For the purposes of this Part, a pecuniary interest and the effects and requirements when a pecuniary interest arises is to be as defined in the relevant provisions of the Local Government Act, 1993.

Note: *Council's Conflict of Interest Policy should also be referred to for further information on pecuniary interests.*

6.2 Persons who have a pecuniary interest

- (1) For the purposes of this Part, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:
 - (i) the person; or
 - (ii) another person with whom the person is associated as provided in this clause.
- (2) A person is taken to have a pecuniary interest in a matter if:
 - the person's spouse or de facto partner or a relative of the person, or a partner or employer of the person, has a pecuniary interest in the matter; or
 - the person, or a nominee, partner or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.
- (3) However, a person is not taken to have a pecuniary interest in a matter as referred to in sub-clause (2):
 - if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body; or
 - just because the person is a member of, or is employed by, a council or a statutory body; or
 - just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

6.3 Interests that need not be declared

The following interests do not need to be disclosed for the purposes of this Part:

- (1) an interest as an elector
- (2) an interest as a ratepayer or a person liable to pay a charge
- (3)
 - (i) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally or a section of the public that includes persons who are not subject to this Part
 - (ii) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative of the person by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part
- (4) an interest as a member of a club or other organisation or association, unless the interest is as a holder of an office in the club or organisation (whether remunerated or not)
- (5) an interest of a member of a Council committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the committee member has been appointed to represent the organisation or group on the committee
- (6) an interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument other than an instrument that effects a change of the permissible use of:
 - (i) land in which the person or another person with whom the person is associated as provided in section 443 has a proprietary interest (which, for the purposes of this paragraph, includes any entitlement to the land at law or in equity and any other interest or potential interest in the land arising out of any mortgage, lease, trust, option or contract, or otherwise), or
 - (ii) land adjoining, adjacent to or in proximity to land referred to in subparagraph (i).
- (7) an interest relating to a contract, proposed contract or other matter if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company,
- (8) an interest of a person arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because a relative of the person is a shareholder (but not a member of the committee) of the association or is a partner of the partnership,

- (9) an interest of a person arising from the making by the council of a contract or agreement with a relative of the person for or in relation to any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - (i) the performance by the council at the expense of the relative of any work or service in connection with roads or sanitation,
 - (ii) security for damage to footpaths or roads,
 - (iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council or by or under any contract,
- (10) an interest relating to the payment of fees to Councillors (including the mayor and deputy mayor),
- (11) an interest relating to the payment of expenses and the provision of facilities to Councillors (including the mayor and deputy mayor) in accordance with a policy under section 252,
- (12) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office
- (13) an interest of a person arising from the passing for payment of a regular account for wages or salary of an employee who is a relative of the person,
- (14) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Councillor or member of a council committee,
- (15) an interest arising from appointment of a Councillor to a body as representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

6.4 Participation in meetings despite pecuniary interests

Clause 44 does not prevent a person from taking part in the consideration or discussion of or from voting on, any of the following questions:

- (1) a question relating to a contract, proposed contract or other matter if the person or the spouse, de facto partner or relative of the person has a pecuniary interest only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company;
- (2) a question arising on a motion for a resolution to fill the office of mayor, if the reason for which abstention from voting would otherwise be required is that a fee for the following 12 months had been determined for the office;
- (3) a question relating to the making of an agreement between the council and a corporation, association or partnership, being a corporation,

association or partnership that has more than 25 members, if the only reason for which abstention from voting would otherwise be required is that a relative of the person is a shareholder (but not a director) of the corporation or is a member (but not a member of the committee) of the association or is a partner of the partnership;

- (4) a question relating to the making of a contract or agreement with a relative of the person for or in relation to any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts, and agreements as have been made, or as are proposed to be made, by the Council in respect of similar matters with other residents of the area:
 - i. the performance by the Council at the expense of the relative of any work or service in connection with roads or sanitation
 - ii. an approval granted by the Council to enclose a public place in connection with the erection or demolition of a building
 - iii. security for damage to footpaths or roads
 - iv. any other service to be rendered, or act to be done, by the Council by or under any Act conferring functions on the Council

- (5) a question relating to:
 - i. the making or levying of a rate or charge; or
 - ii. the fixing or charging of a fee for the supply to a relative of the person by the Council of any commodity or service provided by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part; or
 - iii. the payment of fees and expenses and the provision of facilities to Councillors (including the Mayor);

- (6) a question relating to the passing for payment of a regular account for wages or salary of an employee who is a relative of the person;

- (7) a question relating to the indemnity insurance of Councillors or members of Council committees.

- (8) a question relating to the appointment of a Councillor to a body as the representative or delegate of the council, even though a fee or other recompense is payable to the representative or delegate.

Note: *Section 458 of the Act provides that the Minister may in certain circumstances allow a Councillor or a member of a committee of a council who has a pecuniary interest to be present at a meeting of Council or Committee and take part in the consideration or discussion of a matter or vote on a matter.*

6.5 Disclosures to be recorded

A disclosure made at a meeting of the Council or Council committee must be recorded in the minutes of the meeting.

6.6 Powers of the Council in relation to meetings

A Councillor or member of a Council committee must not, if the Council or committee so resolves, attend a meeting of the Council or committee while it has under consideration a matter in which the Councillor or member has an interest required to be disclosed under this Part.

7. PRESS AND PUBLIC

7.1 Public notice of meetings

The Council must give notice to the press and public of the times, dates and places of its meetings and meetings of those of its committees of which all the members are Councillors.

The Council and each such committee must have the business paper available for the press and public prior to and at each meeting for inspection and taking away by persons of the business paper for the meeting. This requirement does not apply to a business paper for a matter that, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the press and public and in this case the agenda for the meeting is to indicate that the relevant item of business is of such a nature (Act S9[2] and S9[2a]).

7.2 Public attendance at Council meetings and closure of meetings into confidential session

- (1) The press and public are entitled to attend a meeting of the Council and those of its committees of which all its members are Councillors, except as otherwise provided by this clause. The Council or such a committee may close to the press and public, only so much of its meeting, as comprises the receipt or discussion of any of the following:
 - (a) personnel matters concerning particular individuals (other than Councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - i. prejudice the commercial position of the person who supplied it, or
 - ii. confer a commercial advantage on a competitor of the Council, or
 - iii. reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the Council, Councillors, Council staff or Council property,

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) Alleged contraventions of any code of conduct requirements applicable under The Act, Section 440.
- (2) The grounds on which a meeting is closed to the press and public, must be specified in the decision to close the meeting and recorded in the minutes of the meeting.
- (3) A meeting is not to remain closed during the discussion of anything referred to in clauses 7.2 (1)(a–i):
 - (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret, unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest. (LG Act S10B)
- (4) A meeting is not to be closed during the receipt and consideration of information or advice referred to in Cl 7.2 (1)(g) unless the advice concerns legal matters that:
 - (a) are substantial issues relating to a matter in which the council or committee is involved, and
 - (b) are clearly identified in the advice, and
 - (c) are fully discussed in that advice.
- (5) If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in the Act section 10A (3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in the Act section 10A (2)).
- (6) For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
 - (a) a person may misinterpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.
- (7) In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must also have regard to any relevant guidelines issued by the Departmental Chief Executive.

A person (whether a Councillor or another person) is not entitled to be present at a meeting if expelled from the meeting by a resolution of the meeting.

Nothing in this clause prevents any limitation being placed on the number of members of the public admitted to a meeting of the Council or a committee of the Council, provided such limitation is for reason of safety or security.

Note: See also CI 5.1 this policy and *Section 10(A) of the Local Government Act*

7.3 Public participation and addresses at Council and Committee meetings

Public addresses may be permitted with the approval of the Mayor, subject to rules of conduct, so as to provide an opportunity for citizens to raise issues with Councillors, at a Council or Committee Meeting.

The following guidelines will apply:

Public addresses to the Council or a Committee meeting may be made on any matter included on the Agenda for the Council Meeting, following registration by the speaker and subject to approval by the Mayor or chairperson and any constraints contained in this policy. Speakers wishing to speak on items not on the Agenda of the Council Meeting may do so with a Resolution of Council.

The Chairperson *may* not allow a person to speak, if that person has addressed a meeting of the Committee or the Council on the same topic, within the past three (3) months. A person may only address the Council or Committee more than once on the same subject, if it is for the purpose of introducing demonstrably new material. The priority of speakers will be determined by the chairperson.

Applications to make a presentation to a Council or committee meeting are required to be made in writing, (*See Schedule 4*) via the online submission or by email to the Executive Services Officer and must provide the name, address and phone number of the applicant and details of the topic or agenda item, to be the subject of the presentation.

Applications to speak at a Council or committee meeting must be lodged on the appropriate form (*See Schedule 4*) by Midday on the day of the meeting. A full summary of the points that will be raised in the verbal presentation must be included on the Public Address presentation application form which is attached to this policy, as "Schedule 4".

The application form may be distributed to Councillors, but will not be included in the minutes of the meeting. Only the topic and presenter's name will be recorded in the minutes of the meeting. Any written information provided by the speaker will be placed on file.

Up to two (2) speakers "FOR" and two (2) speakers "AGAINST" may be permitted to address a meeting on any issue on the agenda, for a time limit of three (3) minutes each, (with a warning bell at two (2) minutes) for each speaker. The Mayor or Chairperson at their discretion *may* allow additional speakers wishing to address Council on a particular agenda item. Speakers will be limited to no more than three (3) addresses to the Council on any agenda topic, in any 12 month period.

An extension of time may be granted in appropriate circumstances, at the discretion of the Mayor / Chairperson.

Presentations to the Council or its Standing Committees are not permitted, on development applications which have already, or may in future come before the Independent Hearing and Assessment Panel (IHAP) or Sydney South Planning Panel. This restriction also applies to applications that have been lodged with Council, or may be proposed to be lodged at some time in the future. This does not restrict presentations on policy and strategic issues.

Persons making representations to the Council or a Committee will refrain from allegations specifically nominating individual Councillors, Council staff or other members of the community. Any presentation deemed by the Chairperson to be incompatible with these guidelines and Council's Code of Meeting Practice, may be terminated by the Chairperson.

Speakers shall conduct themselves at all times, with due respect to the Council or Committee and all other persons present and shall observe the rules of conduct contained in the Code of Meeting Practice.

No motions or debates will be permitted during the public address occasion. Any matters arising or subsequent actions, may be raised by a Councillor during the "General Business or Question Time" at the Council or Committee meeting.

Replies may be provided to speakers by Councillors and/or staff. If necessary, a formal reply may be provided following the meeting, if that is the decision of the meeting.

The use of Visual Aids for presentations (overheads, computer projections etc) is permitted in conjunction with a public address to a meeting, subject to the approval of the Chairperson, the defined time constraints and prior arrangement with administrative staff.

No Councillor is permitted to address the Council as a member of the public during a public address occasion.

7.4 Privacy and Personal Information Protection Notification

In requesting to address a Council or Committee meeting, the applicant may be prompted to supply information that is personal information for the purposes of the Privacy and Personal Information Protection Act 1998. The supply of this information is voluntary. If the applicant cannot provide, or does not wish to provide the information sought, the Council may be unable to process the applicant's request.

Council is required under the Privacy and Personal Information Protection Act, to inform the applicant about how their personal information is being collected and used.

Please note that Council web casts and records the proceedings of its Council Meetings, including the public address, optimising access, transparency and the accuracy of minutes. The applicant's presentation will therefore be recorded and become a record of Council, which may be accessed by any person under the provisions of the Government Information, Public Access Act (GIPAA).

If further information is required, please contact the Executive Services Officer via Council's Customer Service Centre on 9330 6400.

Council may from time to time adopt Guidelines for Community Presentations to the Council.

Note: *Georges River Council actively encourages participation of residents in the decision making process and is happy to hear from people regarding matters raised in the Business paper, subject to the guidelines for public addresses to Council and the provisions of clause 3.17 in respect of Questions With Notice.*

7.5 Public access to correspondence and reports

The Council and any committee of which all the members are Councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to the meeting.

This clause does not apply if the correspondence or reports:

- a. relate to a matter that was received or discussed; or
- b. were laid on the table at, or submitted to the meeting, while the meeting was closed to the public.

8. MISCELLANEOUS

8.1 Information relating to proceedings at closed meetings not to be disclosed

If a meeting or part of a meeting of the Council or a committee of the Council is closed to the public in accordance with clause 7.2, a person must not, without the authority of the Council or the committee, disclose, otherwise than to the Council or to a Councillor, information with respect to the discussion at, or the business of, the meeting.

Note: *Local Government Act S664*

8.2 Inspection of the minutes of the Council or a committee

Copies of the minutes of the Council or committees of the Council are made available to the public on-line.

Should an inspection of hard copy minutes of the Council or a committee of the Council be requested, the inspections is to be carried out under the supervision of the General Manager or Public Officer or an employee of the Council designated by the General Manager or Public Officer to supervise inspections of those minutes.

The General Manager must ensure that the minutes of the Council and any minutes of a committee of the Council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.

8.3 Recording of meeting of the Council or a committee prohibited

A person may use a recording device to record the proceedings of a meeting of a council or committee of the council **only with the authority of the council or committee.**

A person may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of the Council or a Committee of the Council for using or having used a recording device in contravention of this clause.

If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council, or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.

In this clause, recording device includes a video camera, mobile phone and any electronic device capable of recording speech.

Note: *CI 273 Regs*

8.4 Recording of meeting by the Council or a committee

Council web casts council meetings held at the Civic centre, for the benefit of the community who cannot attend meetings. Audio recordings are made of Council and Committee Meetings. Where recordings of meetings are made, then:

- a. audio recordings of meetings will be used for verifying the accuracy of minutes;
- b. audio recordings of meetings will not be made available to the public or disclosed to any third party, except as allowed or exempted under sections 18, 19 and/or 23 of the Privacy and Personal Information Act 1998 or by any other law, e.g. Government Information (Public Access) Act 2009.
- c. audio recordings of meetings may be destroyed as soon as their original purpose is served or immediately after three months since their creation (whichever is the later), except where retention for a longer period is otherwise required or recommended under the State Records Act 1998 or for any other lawful purpose.
- d. appropriate signage will be displayed in the public gallery or at the public entrance to council meetings, as well as verbal statements at the commencement of each meeting, to notify the public of the matters required under s10(a)-(e) of the Privacy and Personal Information Act 1998.

In this clause, **audio recordings may** include recordings via video camera, mobile phone and any electronic device capable of recording speech.

8.5 Certain circumstances do not invalidate Council decisions

Proceedings at a meeting of the Council or a Council committee are not invalidated because of:

- (1) a vacancy in a civic office;
- (2) a failure to give notice of the meeting to any Councillor or a committee member;
- (3) any defect in the election or appointment of a Councillor or a committee member;
- (4) a failure of a Councillor or a committee member to disclose a pecuniary interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Council or a committee meeting in accordance with section 451;
- (5) a failure to comply with the Code of Meeting Practice.

Note: *Local Government Act S 374*

8.6 Amendment of Code

Changes to the Act or Regulation will automatically impact Council's Code of Meeting Practice. If inconsistent, the provisions of the Meeting Code must be changed to match the Act and the Regulation.

The Code is automatically amended as a result of changes to the Act or Regulation. These changes do not require public notification under S361 to S363 of the Act, given that these amendments would follow best practice requirements.

Any amendment to the additional provisions provided by the Council in its Meeting Code may require public notification in accordance with the relevant sections of the Act.

The Code of Meeting Practice shall be reviewed within twelve (12) months of a general election, or on an "as needs" basis.

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SCHEDULE 1 - General order of business

- (1) National Anthem.
- (2) Acknowledgement of Country.
- (3) Apologies.
- (4) Disclosures of interests.
- (5) Public addresses to the meeting.
- (6) Confirmation of minutes of previous meetings.
- (7) Mayoral minutes.
- (8) Matters of Privilege
 - i) Condolences
 - ii) Other
- (9) Reports from committees.
- (10) Reports from officers.
- (11) Notices of Motion.
- (12) Questions with Notice.
- (13) Consideration of business in closed (confidential) session.
- (14) Closed (confidential) session.
- (15) Consideration of closed (confidential) Council recommendations.

SCHEDULE 2 - Order of Business - Extraordinary Meetings of the Council

(1) Apologies

(2) Disclosure of interests

(3) Mayoral minutes

(4) Business for the purpose for which the meeting was called

(5) Other business as determined to be urgent by the General Manager

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SCHEDULE 3 - Notice of Rescission Motion / Notice of Alternative Motion

(See Clause 3.23 of this Code)

I / We the undersigned give notice that at the Ordinary / Extraordinary meeting of the Council to be held on / /, the following rescission motion will be moved:

Rescission Motion:

“That Minute No. Or the decision in respect of Item No..... of the Ordinary / Extraordinary Meeting of the Council held on / / be rescinded.”

The resolution now proposed to be rescinded, reads as follows:

.....
.....
.....
.....

SIGNED BY: (minimum of three Councillors if rescinded item is less than 3 months old)
(Local Govt. Act S.372)

- 1) Signed Name Date / /.....
- 2) Signed Name Date / /.....
- 3) Signed Name Date / /.....

NOTICE OF any ALTERNATIVE MOTION:

If this Rescission Motion is **Carried**, it is intended to **move** the following :

That:
.....
.....
.....
.....
.....

SCHEDULE 3A - Form of Special Disclosure of Pecuniary Interest

(Section 451 of the Local Government Act 1993)
(L G General Regulation Clause 195A)

- i. The particulars of this form are to be written in block letters, or typed.
- ii. If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose, which is properly identified and **signed** by you.

Important Information

This information is being collected for the purpose of making a special disclosure of pecuniary interests, under sections 451 (4) and (5) of the *Local Government Act 1993*.

The special disclosure must relate to a pecuniary interest that arises only because of an interest of the councillor in the councillor's principal place of residence, or an interest of another person (whose interests are relevant under section 443 of the Act) in that person's principal place of residence.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred by the Director-General, to the Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting, in respect of which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. **A copy of this Special Disclosure must be recorded in the minutes of the meeting.**

Special disclosure of pecuniary interests by [*full name of councillor*]

in the matter of [*insert name of environmental planning instrument*]

which is to be considered at a meeting of the [*name of council or council committee (as the case requires)*]

to be held on the _____ day of _____ 20__ .

Pecuniary Interest

Address of land in which councillor or an associated person, company or body has a proprietary interest (<i>the identified land</i>) ¹	
Relationship of identified land to councillor [Tick or cross one box.]	<input type="checkbox"/> Councillor has interest in the land (eg. Is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.

Matter giving rise to pecuniary interest ²

Nature of land that is subject to a change in zone/planning control by proposed LEP (<i>the subject land</i>) ³ [Tick or cross one box]	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	
Effect of proposed change of zone/planning control on councillor [Insert one of the following: “Appreciable financial gain” or “Appreciable financial loss”]	

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor’s signature:.....**Date:**/...../.....

[This form is to be retained by the council's General Manager and included in full in the minutes of the meeting]

- (1) Section 443 (1) of the *Local Government Act 1993* provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative⁴ or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.
- (2) Section 442 of the *Local Government Act 1993* provides that a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448 of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).
- (3) A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section 443 (1) (b) or (c) of the *Local Government Act 1993* has a proprietary interest – see section 448 (g) (ii) of the *Local Government Act 1993*.
- (4) **Relative** is defined by the *Local Government Act 1993* as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

NB : The Local Government General Reg. Cl 195A commands as follows:

195A Special disclosure of pecuniary interests in meetings

- (1) *A special disclosure of the pecuniary interest under section 451 of the Act must be in the form set out in Schedule 3A and must contain the information required by that form.*
- (2) *If a special disclosure of a pecuniary interest is made at a meeting of a council or council committee, a copy of the special disclosure is to be recorded in the minutes of the meeting.*

SCHEDULE 4 - Application to Address the Georges River Council at a Council or Committee meeting

(Public Address Presentation - Application Form)

Applications must be made in writing, or by fax or email to the Executive Services Officer and must provide name, address and phone number of the applicant, plus details of the topic to be the subject of the address, in accordance with CI 52 of this policy,

Name	
Address	
Contact Phone Number(s)	
Organisation – if applicable	
Council OR Committee meeting which you wish to address:	
Topic or Agenda item on which you wish to speak	
A full summary of the points that will be raised in the verbal presentation (please attach further pages if required)	
<p>I have read the conditions and guidelines relating to addressing the Council meeting as contained in CI 53 of Council’s Code of Meeting Practice and I understand that if I do not comply with these conditions, the Chairperson may terminate my address. In addition, I will provide the required documentation for my address, to Council staff, prior to the Council meeting and my presentation.</p>	
Signed	Date
For Office Use Only	
Approved by Chairperson	
Further Advice:	
Meeting Date:	

A person who addresses a Committee meeting may not address a following Council meeting on the same item.

This application form (with attached information) should be completed and forwarded to: mail@georgesriver.nsw.gov.au and marked “For the attention of the Executive Services Officer”. (Phone: 9330 6400).

9. Responsibilities

Position	Responsibility
<i>General Manager's Office</i>	Managing the application of the Policy
<i>Head of Executive Services</i>	Primary responsibility for policy delivery
<i>Executive Manager, Office of the General Manager</i>	Policy approval
<i>Executive Services Officer</i>	Administration

10. Version Control and Change History

Version	Amendment Details	Policy Owner	Period Active
1.1	Original as adopted by the former Hurstville City Council on 15 September 2015 and prescribed for use upon proclamation of Georges River Council.	Governance Manager	19/05/16 – 01/06/17
1.2	Reviewed policy and exhibited but deferred for further review and consultation.	Internal Auditor	06/06/17
1.3	Adopted for exhibition with changes to CI 1.4: Webcasting of meetings CI 52: amended. CI 57: amended Sch 3A: Form of Disclosure of Pecuniary Interest - added Sch 4: further amended	Executive Manager Office of the General Manager Office	05/06/2017 – 09/09/18